

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston	
Date: 8/27/2010	Case Number 2:09-cr-251
Case Style: USA vs. Michael Ochenge, Albert Gunga	
Type of hearing Sentencing	
Before the honorable: 2508-Copenhaver	
Court Reporter Barbara Steinke	Courtroom Deputy Kelley Miller
Attorney(s) for the Plaintiff or Government Susan M. Robinson	
Attorney(s) for the Defendant(s) Troy N. Giatras and L. Thompson Price	
Law Clerk	Probation Officer Alex Alvarez

Trial Time

Contested Sentencing Hearing.

Non-Trial Time

Court Time

9:39 am to 10:10 am  
11:41 am to 11:54 am  
10:45 am to 11:34 am  
Total Court Time: 1 Hours 33 Minutes Court actively conducting trial proceedings/Contested proceedings

Courtroom Notes

9:30 case set

9:39 Resume

Continuation of contested sentencing hearing held 8/26/10

Def. #2 Robert Otiso

US Exh. #11 - withdrawn  
US Exh. #12 - withdrawn  
US Exh. #13 - withdrawn

Court inquired of defendant Ochenge with regard to what objections remain that are material to sentencing and gave defendant and counsel time to confer

10:10 Recess

10:45 Resume

## District Judge Daybook Entry

Defense counsel related to the court the remaining objections

Court made findings

Court made further findings - defendant is not entitled to a reduction for minor role in the offense

Parties agree TOL 23 + I = 46-57 months  
Restitution 772,016

Mitigation - defense counsel, government defendant

Court stated reasons for sentence including 3553(a) factors - finding the guideline range appropriate

Sentence - 48 months - 3 years supervised release - \$772,016 restitution - \$100 special assessment - no fine or costs -  
recommend RDTP and facility close to Minnesota

Counts 1-7 dismissed/forfeiture

14 days to appeal

Defendant remanded

11:34 Recess

11:41 Resume

Gunga:

No objections

Report is factually accurate - defense counsel, defendant

Parties agree TOL 12 + I = 10-16 months Zone C  
\$42,517.55

Mitigation - defense counsel, government, defendant

Court stated reasons for sentence including 3553(a) factors - finding the guideline range appropriate

Sentence - 10 months - 3 years supervised release - \$42,517.55 restitution - \$100 special assessment - no fine or costs -  
recommend facility close to MN

Forfeiture dismissed

14 days to appeal

Defendant remanded

11:54 concluded